

1 Tom McAvity, 034403  
2 Phoenix Fresh Start Bankruptcy  
3 4602 E Thomas Rd, Ste S-9  
4 Phoenix, AZ 85018  
5 Phone: 602-598-5075  
6 Fax: 866-241-4176  
7 Email: tom@phoenixfreshstartbankruptcy.com

8 UNITED STATES BANKRUPTCY COURT  
9 DISTRICT OF ARIZONA

10 In re: ) Chapter: 13  
11 ) Case No. 2:20-bk-01580-EPB  
12 )  
13 KUSHUNE DENISE ALLEN, )  
14 )  
15 Debtor ) MOTION TO RECONSIDER ORDER  
16 ) DENYING MOTION TO CONTINUE  
17 ) THE SECTION 362(a) STAY PURSUANT  
18 ) TO SECTION 362(c)(3)  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

26 Debtor KUSHUNE DENISE ALLEN ("Debtor"), by and through undersigned counsel,  
27 hereby moves the Court, to reconsider its Order denying Debtor's Motion to Continue Automatic  
28 Stay based on the failure of counsel to appear at a continued Hearing. This Motion is supported  
29 by the following:

30 BACKGROUND

- 31 1. Debtor filed for protection under Chapter 13 of the United States Bankruptcy Code on  
32 February 15, 2020. Russell Brown was appointed as the Chapter 13 Trustee.  
33 2. Debtor filed a Motion to Continue Automatic Stay on March 3, 2020 and a hearing on the  
34 Motion was subsequently set for March 17, 2020  
35 3. Debtor's Declaration in Support of her Motion was filed on March 16, 2020  
36 4. A hearing on the Motion was conducted in part of March 17, 2020 where counsel for  
37 Debtor explained the basis of Debtor's motion. At the close of the hearing, the Court  
38 raised concerns regarding notice with respect to the hearing itself and continued the  
39 hearing to April 16, 2020 so that the notice issue could be addressed.  
40 5. Counsel for Debtor addressed the notice issue and filed a Notice of Continued Hearing on  
41 April 13, 2020.

42 Phoenix Fresh Start Bankruptcy  
43 4602 E Thomas Rd. Ste. S-9  
44 Phoenix, AZ 85018

- 1 6. On April 16, 2020, counsel for debtor appeared in two 341 hearings at nine a.m. and then  
2 completely forgot about the hearing calendared for 10:00 am.  
3 7. Fault for missing the hearing was counsel's alone, it had been properly calendared by his  
4 staff.  
5 8. Counsel for debtor contacted the court at 12:30 pm via email once he realized what he  
6 had done and to apologize for wasting the court's time and, at approximately 1:00 pm, he  
7 received the order denying the Motion to Continue Stay,

8 WHEREFORE Debtor respectfully requests the Court to reconsider its Order Denying  
9 Debtor's Motion to Continue Stay and reset this matter for hearing

10 RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of April, 2020

11  
12 /s/ Tom McAvity  
13 Tom McAvity, 034403  
14 Phoenix Fresh Start Bankruptcy  
15 4602 E Thomas Rd, Ste S-9  
16 Phoenix, AZ 85018  
17 Phone: 602-598-5075

18 **CERTIFICATE OF SERVICE**

19 This is to certify that the foregoing was submitted on April 16, 2020 in the United States  
20 Bankruptcy Court for filing and transmittal of notice of electronic filing to the United States Trustee,  
21 the Chapter 13 Trustee and the ECF registrants appearing in this case.

22 By: /s/ Tom McAvity

23  
24  
25  
Phoenix Fresh Start Bankruptcy  
4602 E Thomas Rd. Ste. S-9  
Phoenix, AZ 85018